

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Acceleration of Broadband Deployment)	WC Docket No. 11-59
Expanding the Reach and Reducing the Cost)	
of Broadband Deployment by Improving)	
Policies Regarding Public Rights of Way and)	
Wireless Facilities Siting)	

REPLY COMMENTS OF THE CITY OF ARLINGTON, TEXAS

These Reply Comments are filed by the City of Arlington, Texas in response to the Notice of Inquiry (hereafter "NOI"), released on April 7, 2011, in the above entitled proceeding. The City of Arlington Texas (hereafter "City") is a community of over 365,000 people in North Texas. The City previously filed Comments in this proceeding on July 14, 2011 and would incorporate those comments herein by reference. The City is familiar with the joint Comments and Reply Comments filed by the National League of Cities et. al as well as the Coalition of Texas Cities and would associate itself with the larger policy and legal discussion contained therein and incorporate same by reference in this filing.

I. City Supports Broadband Deployment

The City has successfully managed its property to encourage deployment of several broadband networks. As a result, broadband service is available to all of the households and businesses within the City. There is no evidence that the City's policies or compensation with respect to placement of facilities in the rights-of-way or on City property have discouraged broadband deployment. The City welcomes broadband deployment and works with any company willing to provide service. No company has cited the City's policies as a reason that it

will not provide service. The City's policies have helped to avoid problems and delays in broadband deployment by ensuring that broadband deployment goes smoothly for the providers who follow the rules while also protecting the health, safety and welfare of the local community. On the other hand, many entities seeking access to the public rights-of-way and facilities would prefer to operate with impunity without rules, regulations, oversight or accountability, to the great detriment of other users, abutting landowners, commuters, and the general taxpayer.

The City has developed considerable expertise applying its policies to protect and further public safety, economic development, and other community interests. The Commission should not interfere with these local policies. By adopting rules in this area, the Commission could disrupt this process at substantial cost to local taxpayers and to the local economy.

II. Possible Commission Actions

As noted above, the City strongly urges the Commission to refrain from regulating local rights-of-way management and facility placement processes. These are highly fact-specific matters, which turn on local engineering practices, local environmental and historical conditions, local traffic and economic development patterns, and other significant community concerns and circumstances. These matters are managed by local staffs with considerable expertise. Imposing a federal regulatory regime would create unnecessary costs for our community, and it would have the potential to undermine important local policies. Likewise, Commission regulation of charges for use of the rights-of-way would have significant impacts on the City and may actually make it difficult to continue to maintain or provide important public services such as free Internet service in City libraries.

If the Commission feels compelled to act in this area at all, it should limit itself to voluntary programs and educational activities, and to implementing its own recommendations in the National Broadband Plan for working cooperatively with state and local governments.

III. CONCLUSION

The City urges the Commission to conclude that rights-of-way and facility management and compensation are not impeding broadband deployment. As indicated above, the City's policies and procedures are designed to protect important local interests and have done so for many years. There is no evidence that the policies have impaired any company from providing broadband service in the City and there are many reasons to believe that federal regulations would prove costly and disruptive to our community.

Respectfully submitted,

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